

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5142 of 1994

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

R B SHUKLA

Versus

UNION OF INDIA

Appearance:

MR MD RANA for Petitioner

MR JD AJMERA for Respondent No. 1

Ms. S.D.Talati for the State.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 12/03/98

ORAL JUDGEMENT

Petitioner herein claims to be a freedom fighter. He claims that he had actively participated in freedom movement during the years 1936 to 1939 as also during the Quit India Movement in the year 1942.

2. In the year 1972, on the eve of Silver Jubilee of the Independence Day, the Central Scheme for the grant of

pension to freedom fighters and their families was introduced by the Government of India in the name of Freedom Fighters' pension Scheme, 1972. This Scheme has been liberalized with effect from 1st August, 1980 and the benefit of the said scheme was extended to all the freedom fighters as a token of "Samman". This 1980 Pension Scheme is also known as Samman Scheme. It appears that the concerned freedom fighters were expected to make an application under the Samman Scheme by 31st March, 1982. However, the Government of India on 29th April, 1985, published an advertisement and declared that such applications could be made even upto 31st June, 1985. In view of the said advertisement, the petitioner herein made an application on 24th June, 1985. The petitioner's application, however, was rejected under communication dated 14th February, 1986. Said communication discloses that the petitioner's application made as late as on 24th June, 1985 i.e. long after 31st March, 1982 was not supported by cogent material evidencing his suffering the imprisonment during the year 1938, 1939 and his participation during the year 1942-43. Feeling aggrieved, the petitioner has preferred this petition.

3. The petition has been contested by the respondent. One R.K.Saini, Director in the Ministry of Home Affairs has made an affidavit in reply to the petition. It is stated that not only the petitioner's application was belated but it was not supported by any documentary record evidencing his suffering. It is further stated that even otherwise, the petition suffers from delay, laches and acquiescence.

4. I need not consider the respective contentions. Suffice if I follow the earlier ruling of this Court (Coram:Mr.Justice N.N. Mathur) in Special Civil Application No. 2934 of 1994 and cognate matters on 21st October, 1994.

5. I accordingly allow this petition. Respondents shall consider the petitioner's application made on 24th June, 1985 keeping in view the advertisement dated 29th April, 1985. Necessary orders shall be made within a period of 12 weeks from the date of receipt of copy of this order. IN the event the petitioner's application is rejected after scrutiny as aforesaid, the order shall be a speaking order. Rule is made absolute accordingly. There shall be no order as to costs.
